UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,483	04/21/2000	Kazuaki Iwamura	05595.0012	6376

22852   7590   10/27/2003

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
1300 I STREET, NW
WASHINGTON, DC 20005

EXAMINER
BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 August 2003</u> .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5,6 and 10* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5,6 and 10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a)☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 5, 6, and 10 are rejected under 35 U.S.C. 103(a) as being

unpatentable over MANO in view of HUMPLEMAN (US 6,288,716).

As to claim 1, MANO teaches a communication device (computer system) (col. 4,

lines 14-19; col. 7, line 63 – col. 8, line 15) comprising: service-designating means

(choosing a task) for designating a service (task) (via the cursor control device) ("The

graphical representation of the device to be used to complete the task is displayed in

the device subwindow.") (col. 5, line 56 – col. 6, line 3); detection means for detecting

(determines all devices connected to the serial bus) communication devices (computer /

compact disk changer / magnetic disk recorder / stereo amplifier / television / video

printer / and digital video cassette recorder) capable of communicating with a local

communication device (computer system via the serial bus network) (col. 4, lines 35-53;

col. 5, lines 7-53); attribute information acquiring means for acquiring attribute

information (image / task capabilities) for the detected communication devices (compact

disk changer / magnetic disk recorder / stereo amplifier / television / video printer / and

digital video cassette recorder) wherein the attribute information includes information

regarding services capable (image / task capabilities) of being provided by the detected

communication devices (col. 5, lines 16-25; col. 4, line 54 – col. 5, line 5); selection

means for selecting, on the basis of the acquired attribute information (image / task

capabilities), one or more communication device (compact disk changer / magnetic disk

recorder / stereo amplifier / television / video printer / and digital video cassette

recorder) capable of providing the designated service (col. 5, lines 54-67; col. 6, lines 4-

12; col. 4, line 54 – col. 5, line 5); and display means for displaying (via the GUI / device

subwindow) discrimination information (image) for discriminating the communication

device (computer / compact disk changer / magnetic disk recorder / stereo amplifier /

television / video printer / and digital video cassette recorder) selected by the selection

means ("The graphical representation of the device to be used to complete the task is

displayed in the device subwindow.") (col. 5, line 58 – col. 6, line 3). It is inherent that

the task capabilities of the devices are acquired since they are displayed in the task

windows (col. 4, line 66 – col. 5, line 5). However, MANO does not teach the

application execution instruction sending means.

HUMPLEMAN teaches a communication device (client device) comprising:

service designating means for designating a service (via selection of a client device)

(col. 5, lines 23-29; col. 15, line 49 – col. 16, line 64), detection means (via discovery

process) (col. 9, line 46 – col. 12, line 13), attribute information acquiring means (via

discovery process and session manager retrieving the capabilities of the device) (col. 9,

line 46 – col. 16, line 64), selection means (via selection of a client device from those

that are not grayed out) (col. 5, lines 23-29; col. 15, line 49 – col. 16, line 64), display

means (graphically displaying the device's HTML file / GCO object) col. 7, lines 26-45;

col. 7, lines 59-67; col. 8, lines 9-18; col. 8, lines 28-60) and application execution

instruction sending means (via controls or buttons) for sending instruction information

for executing a predetermined application (invoking the server executable / control

program) to the communication device (home device) displayed by the display means

(information contained in a device's HTML file that is graphically displayed) (col. 7, lines

26-45; col. 7, lines 59-67; col. 8, lines 9-18). Therefore, it would be obvious to combine

the teachings of MANO with the teachings of HUMPLEMAN in order to facilitate the

commanding and controlling of a plurality of devices (col. 2, liens 25-33).

As to claim 5, HUMPLEMAN teaches application execution instruction receiving

means for executing a predetermined application (control program) when instruction

information for executing the application is received from one of the detected

communication devices ("In response to the user clicking one of these two button, the

http server will cause a brightness control program for the display to run, in order to

control the desired hardware action.") (col. 7, lines 26-45; col. 7, lines 59-67; col. 8, lines

9-18).

As to claims 6 and 10, reference is made to a method that corresponds to the

device of claims 1 and 5 and is therefore met by the rejection of claims 1 and 5 above.

Response to Arguments

3.   Applicant's arguments filed 8/8/03 have been fully considered but they are not

persuasive. Applicant argues that Mano does not teach service designating means,

wherein the selection means selects, on the basis of the attribute information a

communication device capable of providing the service which is designated by the

service designating means. The examiner disagrees. The claims state a service

designating means for designating a service, and selection means for selecting on the

basis of the acquired attribute information one or more detected communication devices

capable of providing the designated service; and display means for displaying a

discrimination information for discriminating the communication device selected by the

selection means. Mano teaches selecting a task to perform and based on the task the

graphical representation of the device to be used to complete the task is displayed in

the device sub-window (col. 5, lines 60-67). For instance, when the printing video

frames task is selected, the graphical representation displayed within the device sub-

window is the graphical representation of the video printer (col. 5, line 67 – col. 6, line

3). Therefore, Mano teaches the service designating means because the user selects a

task, and the selection means and display because based on the capabilities of the

devices and the task selected the device sub-window displays the devices capable of

performing the task. In addition, Mano teaches a commands sub-window for displaying

the commands to be chosen by the user and the task control sub-window for displaying

the options available to the user for completing the task.   Therefore, the information

displayed is not only the communication devices selected by also the commands and

options available for that communication device. In addition, the reference of

Humpleman also teaches the limitations as disclosed above. Therefore, the examiner

believes that all limitations are met as disclosed in the rejection above.

Conclusion

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703)

305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00

pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone

number for the organization where this application or proceeding is assigned is (703)

872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

0286.

lab

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100